



2/5/2014



BK: 7698 PG: 1759

DECLARATION OF EASEMENT FOR INGRESS AND EGRESS

THIS DECLARATION OF EASEMENT FOR INGRESS AND EGRESS (the "Declaration") is made as of this 31st day of January, 2006 by TYLER'S PLACE BUSINESS CAMPUS, LLC, an Ohio limited liability company, whose address is c/o Daniels Homes, 9370 Main Street, Cincinnati, Ohio 45242 ("Declarant"), under the following circumstances:

A. Declarant is the fee owner of certain real estate consisting of approximately 6.969 acres located in West Chester Township, Butler County, Ohio and more particularly described in Exhibit A attached hereto and made a part hereof (hereinafter referred to as "Declarant's Property"); and

B. Declarant desires to grant an ingress and egress easement over a portion of Declarant's Property for the benefit of the adjacent parcel located in West Chester Township, Butler County, Ohio and owned by Meijer Stores Limited Partnership, a Michigan limited partnership, as more particularly described in Exhibit B attached hereto and made a part hereof (hereinafter referred to as the "Meijer Property").

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. INGRESS AND EGRESS EASEMENT. Declarant hereby declares for the benefit of the Meijer Property, a perpetual, non-exclusive appurtenant easement for access, ingress and egress, for pedestrian and vehicular traffic purposes only (delivery trucks specifically prohibited) on, over and across that portion of Declarant's Property as depicted on the Site Plan attached hereto as Exhibit C and made a part hereof (the "Easement Area"). Notwithstanding the foregoing to the contrary, the foregoing easement shall not be effective until such time as the owner of the Meijer Property grants to the owner of the Declarant Property a reciprocal cross-access easement over the Meijer Property, which easement shall meet the approval of the West Chester Director of Planning and Zoning.

2. Maintenance and Operation. Declarant shall be responsible for the initial construction of the driveway area located on the Easement Area. Thereafter, Declarant shall be responsible for one hundred percent (100%) of the cost and expense of maintaining, repairing and/or improving the Easement Area.

3. Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of Ohio.

4. Binding Effect: Covenant Running with Land. All easements created and granted in this Declaration shall exist by virtue of this Declaration without the necessity of confirmation by any other document, and shall be perpetual, non-exclusive and irrevocable and shall inure to the benefit of and be binding upon, the parties hereto and their respective heirs, executors, successors and assigns in interest to their respective properties. 2006000099036

Filed for Record in
BUTLER COUNTY, OHIO
DANNY N CRANK
02-13-2006 At 09:57:10 am.
EASEMENT 124.00
OR Book 7698 Page 1759 - 1772

TRANSFER NOT NECESSARY

KAY ROGERS

BY 2/13/06 Kay Rogers

AUDITOR, BUTLER CO., OHIO

BK: 7698 PG: 1760

5. Headings. The headings herein are for convenience and reference only and in no way define and limit the scope and content of this Declaration or in anyway affect its provisions.
6. Severability. In case anyone or more of the provisions set forth in the Declaration shall be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not effect any other provision hereof, and this Declaration shall be construed as if such provision had never been contained herein.
7. Counterpart. This Declaration may be executed by both parties in counterparts, each of which shall be deemed an original, but all of such counterparts taken together shall constitute one and the same Declaration.

IN WITNESS WHEREOF, the parties have duly executed this Declaration as of the day and year first above written.

GRANTOR:

TYLER'S PLACE BUSINESS CAMPUS, LLC,
an Ohio limited liability company

By: [Signature]
Name: JAMES DANIELS
Title: Partner

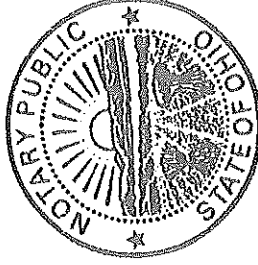
STATE OF OHIO)
 : SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this 5 day of December, 2005 by James Daniels, as Partner of TYLER'S PLACE BUSINESS CAMPUS, LLC, an Ohio limited liability company, on behalf of the limited liability company.

[Signature]
Notary Public

This instrument prepared by:

Jody T. Klekamp, Esq.
Keating, Muething & Klekamp PLL
One East Fourth Street
Suite 1400
Cincinnati, Ohio 45202
(513) 579-6954





engineers • architects • planners
landscape architects • surveyors

BK: 7698 PG: 1761
6900 Tylersville Road, Suite A
Mason, OH 45040
phone: 513.336.6600
fax: 513.336.9365
www.bayerbecker.com

October 10, 2005

Description:

Tyler's Place Office Park Condominium
6.997 Acres

Location:

West Chester Township
Butler County, Ohio

Situated in Section 18, Town 3, Range 2, West Chester Township, Butler County, Ohio, and being all of a 6.969 acre parcel as conveyed to Tyler's Place Business Campus, LLC, as recorded in Official Record 7414, Page 532 of the Butler County Recorder's Office containing 6.969 acres being further described as follows:

Begin at a point found by measuring from a spike at the southwest corner of said Section 18, said spike being in the centerline of Tylersville Road; thence, along the South line of said section, South 77°39'02" East, 623.78 feet; thence, continuing along said centerline and said section line, South 77°38'30" East, 859.59 feet; thence, departing said centerline and said section line, North 12°21'30" East, 100.00 feet to a point on the southeasterly right-of-way of Tylers Place Boulevard; thence, continuing along said right-of-way the following six courses: North 12°21'30" East, 229.00 feet; thence, with a curve to the right, having a radius of 960.00 feet, an arc length of 368.62 feet, (Chord = North 23°21'31" East, 366.36 feet); thence, North 34°21'30" East, 113.23 feet; thence, with a curve to the right, having a radius of 660.00 feet, an arc length of 781.22 feet, (Chord = North 68°16'04" East, 736.40 feet); thence, South 77°49'22" East, 731.62 feet; thence, with a curve to the left, having a radius of 640.00 feet, an arc length of 18.38 feet, (Chord = South 78°38'44" East, 18.38 feet), to a set 5/8" iron pin and the true point of beginning;

thence	from the true point of beginning thus found and continuing along said right-of-way with a curve to the left, having a radius of 640.00 feet, an arc length of 547.76 feet, (Chord = North 76°00'46" East, 531.19 feet), to an existing 5/8" iron pin on the westerly line of the Board of Trustees of Union Township, as recorded in Official Record 5322, Page 621;
thence	departing said right of way, and with said Board of Trustees, the following two courses: South 38°30'21" East, 72.50 feet, to an existing 5/8" iron pin;
thence	South 56°04'08" East, 109.95 feet, to the northerly limited access right of way of Interstate 75;
thence	departing said Board of Trustees, and with said Interstate 75 limited access right of way, the following three courses: South 28°23'15" West, 148.39 feet;
thence	South 35°18'35" West, 551.28 feet;
thence	South 52°23'34" West, 320.54 feet, to an easterly line of Meijer Stores, Limited Partnership, as recorded in Official Record 6536, Page 78;



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thence departing said Interstate 75 limited access right of way, and with said Meijer Stores Limited Partnership, the following three courses: North 12°10'38" East, 396.67 feet, to a set 5/8" iron pin;
thence North 77°49'22" West, 170.00 feet, to a set 5/8" iron pin;
thence North 12°10'38" East, 350.00 feet, to the true point of beginning, containing 6.969 acres of land and being subject to all easements and rights of way of record.

TOGETHER WITH

Situated in Section 18, Town 3, Range 2, West Chester Township, Butler County, Ohio, and being all of a 0.028 acre parcel as conveyed to Tyler's Place Business Campus, LLC, as recorded in Official Record 7414, Page 532 of the Butler County Recorder's Office containing 0.028 acres being further described as follows:

Begin at a point found by measuring from a spike at the southwest corner of said Section 18, said spike being in the centerline of Tylersville Road, along the South line of said section, South 77°39'02" East, 623.78 feet; thence, continuing along said centerline and said section line, South 77°38'30" East, 859.59 feet; thence, departing said centerline and said section line, North 12°21'30" East, 100.00 feet to a point on the southeasterly right-of-way of Tylers Place Boulevard; thence, continuing along said right-of-way the following six courses: North 12°21'30" East, 229.00 feet; thence, with a curve to the right, having a radius of 960.00 feet, an arc length of 368.62 feet, (Chord = North 23°21'31" East, 366.36 feet); thence, North 34°21'30" East, 113.23 feet; thence with a curve to the right, having a radius of 660.00 feet, an arc length of 781.22 feet, (Chord = North 68°16'04" East, 736.40 feet); thence, South 77°49'22" East, 731.62 feet; thence with a curve to the left, having a radius of 640.00 feet, an arc length of 18.38 feet, (Chord = South 78°38'44" East, 18.38 feet), to a set 5/8" iron pin on an easterly line of Meijer Stores Limited Partnership, as recorded in Official Record 6536, Page 78; thence, departing said right of way, and with said Meijer Stores, the following three courses: South 12°10'38" East, 350.00 feet, to a set 5/8" iron pin; thence, South 77°49'22" East, 170.00 feet; thence, South 12°10'38" West, 396.67 feet, to the northerly limited access right of way of Interstate 75; thence, continuing with said Meijer Stores, and with said Interstate 75, the following two courses: South 52°23'34" West, 32.39 feet; thence, South 42°07'23" West, 52.89 feet, to the true point of beginning;

thence from the point of beginning thus found and continuing along said limited access right of way of Interstate 75, South 42°07'23" West, 240.28 feet, to the northerly right of way of Tylersville Road;
thence departing said limited access right of way of Interstate 75, and with said Tylersville Road, North 81°12'48" West, 5.99 feet, to a set 5/8" iron pin on a southerly line of William H. and Violet F. Gear, as recorded in Official Record 6556, Page 1621;
thence departing said Tylersville Road, and with said Gear, North 42°07'23" East, 240.69 feet, to a set 5/8" iron pin on a southerly line of said Meijer Stores Limited Partnership;
thence departing said Gear, and with said Meijer Stores, South 77°47'28" East, 5.77 feet, to the true point of beginning, containing 0.028 acres of land and being subject to all easements and rights of way of record.

700 Nilles Road	14 East Eighth Street	6900 Tylersville Road	777 Eads Pkwy., Suite C
Fairfield, OH 45014	Covington, KY 41011	Mason, OH 45040	Lawrenceburg, IN 47025
	www.bayerbecker.com		

(To General Warranty Deed from Meijer Distribution, Inc., as Grantor, to Meijer Stores Limited Partnership, as Grantee)

PARCEL 1 (Mortgage & Outlot Parcel)

Deed Chapter
Situate in Section 18, Township 3, Range 2, Township of ~~Butler~~, County of Butler, State of Ohio, being all of that 27.157 acre tract conveyed by Meijer, Inc. to Meijer Realty Company by deed recorded in Deed Volume 5534, Page 543 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Butler County Records Office, unless noted otherwise) and being more particularly bounded and described as follows:

Commencing for reference at a railroad spike (found) at the southwest corner of said Section 18, said corner also being in the centerline of Tylersville Road;

thence along the south line of said Section 18 and the centerline of Tylersville Road for the following three (3) courses:

- 1) South seventy-seven degrees thirty-nine minutes two seconds East (S77°39'02"E) for six hundred twenty-three and 78/100 feet (623.78') to a railroad spike (found);
- 2) South seventy-seven degrees thirty-eight minutes thirty seconds East (S77°38'30"E) for nine hundred ninety-six and 38/100 feet (996.38');
- 3) South seventy-seven degrees forty-five minutes forty-nine seconds East (S77°45'49"E) for four hundred seventy-nine and 42/100 feet (479.42');

thence departing the south line of said Section 18 and said centerline, North twelve degrees fourteen minutes eleven seconds East (N12°14'11"E) for eighty and 00/100 feet (80.00') to a 5/8" iron pin (set) in the north right-of-way line of Tylersville Road as established in the Tylersville Road and Tylers Place Boulevard Dedication Plat as recorded in Plat Envelope 2053, Pages A-C, said iron pin also being a southeast corner of said Meijer, Inc. 27.145 acre tract and the TRUE POINT OF BEGINNING of the herein described tract of land;

thence along the lines of said Meijer, Inc. 27.145 acre tract for the following four (4) courses:

- 1) North twelve degrees fourteen minutes eleven seconds East (N12°14'11"E) for one hundred fifty and 11/100 feet (150.11') to a 5/8" iron pin (set) at the point of curvature;
- 2) on a curve to the left with a radius of twenty-four and 00/100 feet (24.00') for an arc distance of thirty-seven and 60/100 feet (37.60'), [chord bearing North thirty-two degrees thirty-eight minutes forty-eight seconds West (N32°38'48"W) for thirty-three and 87/100 feet (33.87'), delta angle of said curve being eighty-nine degrees forty-five minutes fifty-nine seconds (89°45'59")] to a 5/8" iron pin (set) at the point of tangency;

3) North seventy-seven degrees thirty-one minutes forty-eight seconds West (N77°31'48"W) for two hundred eighty-two and 56/100 feet (282.56') to a 5/8" iron pin (set) at the point of curvature;

4) on a curve to the right with a radius of five hundred and 00/100 feet (500.00') for an arc distance of one hundred fifty-seven and 10/100 feet (157.10'), [chord bearing North sixty-eight degrees thirty-one minutes thirty-five seconds West (N68°31'35"W) for one hundred fifty-six and 46/100 feet (156.46'), delta angle of said curve being eighteen degrees no minutes ten seconds (18°00'10")] to a 5/8" iron pin (set) at the eastern most corner of a Meijer, Inc. 0.012 acre tract;

thence along the lines of said Meijer, Inc. 0.012 acre tract for the following two (2) courses:

1) North fifty-nine degrees thirty-one minutes thirty-eight seconds West (N59°31'38"W) for one hundred eighteen and 50/100 feet (118.50') to 5/8" iron pin (set) at the point of curvature;

2) on a curve to the left with a radius of forty-five and 00/100 feet (45.00') for an arc distance of forty and 12/100 feet (40.12'), [chord bearing North eighty-five degrees four minutes twenty-five seconds West (N85°04'25"W) for thirty-eight and 80/100 feet (38.80'), delta angle of said curve being fifty-one degrees four minutes fifty-nine seconds (51°04'59")] to a 5/8" iron pin (set) in the easterly right-of-way line of Tylers Place Boulevard as established in the Dedication Plat for Tylers Place Boulevard recorded in Plat Envelope 2105, Pages A-C;

thence along the easterly and southerly right-of-way line of said Tylers Place Boulevard for the following five (5) courses:

1) on a curve to the right with a radius of nine hundred sixty and 00/100 feet (960.00') for an arc distance of two hundred eighty-five and 27/100 feet (285.27'), [chord bearing North twenty-five degrees fifty minutes forty-four seconds East (N25°50'44"E) for two hundred eighty-four and 22/100 feet (284.22'), delta angle of said curve being seventeen degrees one minute thirty-three seconds (17°01'33")] to a 5/8" iron pin (set) at the point of tangency;

2) North thirty-four degrees twenty-one minutes thirty seconds East (N34°21'30"E) for one hundred thirteen and 23/100 feet (113.23') to a 5/8" iron pin (set) at the point of curvature;

3) on a curve to the right with a radius of six hundred sixty and 00/100 feet (660.00') for an arc distance of seven hundred eighty-one and 22/100 feet (781.22'), [chord bearing North sixty-eight degrees sixteen minutes four seconds East (N68°16'04"E) for seven hundred thirty-six and 40/100 feet (736.40'), delta angle of said curve being sixty-seven degrees forty-nine minutes eight seconds (67°49'08")] to a 5/8" iron pin (set) at the point of tangency;

4) South seventy-seven degrees forty-nine minutes twenty-two seconds East (S77°49'22"E) for seven hundred thirty-one and 62/100 feet (731.62') to a 5/8" iron pin (set) at the point of curvature;

5) on a curve to the left with a radius of six hundred forty and 00/100 feet (640.00') for an arc distance of eighteen and 38/100 feet (18.38'), [chord bearing South seventy-eight degrees thirty-eight minutes forty-four seconds East (S78°38'44"E) for eighteen and 38/100 feet (18.38'), delta angle of said curve being one degree thirty-eight minutes forty-four seconds (1°38'44")] to a 5/8" iron pin (set) at the northeast corner of said Meijer, Inc. 27.145 acre tract;

thence departing said southerly right-of-way line and along the east lines of said Meijer, Inc. 27.145 acre tract for the following three (3) courses:

1) South twelve degrees ten minutes thirty-eight seconds West (S12°10'38"W) for three hundred fifty and 00/100 feet (350.00') to a 5/8" iron pin (set);

2) South seventy-seven degrees forty-nine minutes twenty-two seconds East (S77°49'22"E) for one hundred seventy and 00/100 feet (170.00') to a 5/8" iron pin (set);

3) South twelve degrees ten minutes thirty-eight seconds West (S12°10'38"W) for three hundred ninety-six and 67/100 feet (396.67') to a 5/8" iron pin (set) in the limited access right-of-way line of Interstate 75;

thence along said limited access right-of-way line for the following two (2) courses:

1) South fifty-two degrees twenty-three minutes thirty-four seconds West (S52°23'34"W) for thirty-two and 39/100 feet (32.39') to a 5/8" iron pin (set);

2) South forty-two degrees seven minutes twenty-two seconds West (S42°07'22"W) for fifty-two and 89/100 feet (52.89') to a 5/8" iron pin (set) at the northeast corner of a tract of land conveyed by deed to William H. and Violet F. Gear as recorded in Deed Volume 1508, Page 591;

thence along the north line of said Gear land and its westward extension, and along the south lines of said Meijer, Inc. 27.145 acre tract for the following three (3) courses:

1) North seventy-seven degrees forty-seven minutes twenty-eight seconds West (N77°47'28"W) for four hundred two and 65/100 feet (402.65') to a 5/8" iron pin (set) at the point of curvature;

2) on a curve to the left with a radius of four hundred fifty-nine and 00/100 feet (459.00') for an arc distance of fifty-eight and 75/100 feet (58.75'), [chord bearing North eighty-one degrees twenty-seven minutes twenty-eight seconds West (N81°27'28"W) for fifty-eight and 71/100 feet (58.71'), delta angle of said curve being seven degrees twenty minutes one second (7°20'01")] to a 5/8" iron pin (set) at the point of tangency.

- 3) North eighty-five degrees seven minutes twenty-nine seconds West (N85°07'29"W) for one hundred sixty-one and 94/100 feet (161.94') to a 5/8" iron pin (set) in the east line of a 1.230 acre tract of land conveyed by deed to Meijer, Inc. as recorded in Deed Volume 1765, Page 517;

thence along the lines of said Meijer, Inc. 1.230 acre tract for the following six (6) courses:

- 1) North twelve degrees fourteen minutes eleven seconds East (N12°14'11"E) for one and 00/100 feet (1.00');
- 2) North eighty-five degrees seven minutes twenty-nine seconds West (N85°07'29"W) for forty-nine and 87/100 feet (49.87') to a point of curvature;
- 3) on a curve to the right with a radius of five hundred thirty-four and 00/100 feet (534.00') for an arc distance of seventy and 78/100 feet (70.78'), [chord bearing North eighty-one degrees nineteen minutes thirty-eight seconds West (N81°19'38"W) for seventy and 73/100 feet (70.73'), delta angle of said curve being seven degrees thirty-five minutes forty-one seconds (7°35'41") to a point of tangency;
- 4) North seventy-seven degrees thirty-one minutes forty-eight seconds West (N77°31'48"W) for one hundred sixty-one and 83/100 feet (161.85') to a point of curvature;
- 5) on a curve to the left with a radius of twenty-five and 50/100 feet (25.50') for an arc distance of forty and 16/100 feet (40.16'), [chord bearing South fifty-seven degrees twenty-one minutes eleven seconds West (S57°21'11"W) for thirty-six and 14/100 feet (36.14'), delta angle of said curve being ninety degrees fourteen minutes one second (90°14'01") to a point of tangency;
- 6) South twelve degrees fourteen minutes eleven seconds West (S12°14'11"W) for one hundred forty-nine and 70/100 feet (149.70') to a point in the north right-of-way line of said Tylersville Road, said point being eighty and 00/100 feet (80.00') north of, as measured at right angles to the south line of said Section 18 and the centerline of said Tylersville Road;

thence along the north right-of-way line of Tylersville Road, North seventy-seven degrees forty-five minutes forty-nine seconds West (N77°45'49"W) for fifty-two and 50/100 feet (52.50') to the TRUE POINT OF BEGINNING. Containing twenty-seven and 157/1000 (27.157) acres, more or less.

This description was prepared from a field survey performed by Woolpert in February of 1992, with bearings based upon said Dedication Plat for Tylersville Road and Tylers Place Boulevard. The plat of survey of which is filed in Volume 30, Page 171 of the Butler County Engineer's Records.

WOOLPERT
William P. Finke
Ohio Professional Surveyor #7144

PARCEL 2 (Gas Station/Conv.Store Parcel)

Situate in Section 18, Township 3, Range 2, Township of ^{West Chester} ~~Wenden~~, County of Butler, State of Ohio, being part of a 1.230 acre tract of land conveyed by Meijer, Inc. to Meijer Realty Company by deed recorded in Deed Volume 5534, Page 539 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Butler County Records Office, unless noted otherwise) and being more particularly bounded and described as follows:

Commencing for reference at a railroad spike (found) at the southwest corner of said Section 18, said corner also being in the centerline of Tylersville Road;

thence along the south line of said Section 18 and the centerline of Tylersville Road for the following three (3) courses:

- 1) South seventy-seven degrees thirty-nine minutes two seconds East (S77°39'02"E) for six hundred twenty-three and 78/100 feet (623.78') to a railroad spike (found);
- 2) South seventy-seven degrees thirty-eight minutes thirty seconds East (S77°38'30"E) for nine hundred ninety-six and 38/100 feet (996.38');
- 3) South seventy-seven degrees forty-five minutes forty-nine seconds East (S77°45'49"E) for four hundred seventy-nine and 42/100 feet (479.42');

thence departing the south line of said Section 18 and said centerline, North twelve degrees fourteen minutes eleven seconds East (N12°14'11"E) for eighty and 00/100 feet (80.00') to a 5/8" iron pin (set) in the north right-of-way line of Tylersville Road as established in the Tylersville Road and Tylers Place Boulevard Dedication Plat as recorded in Plat Envelope 2053, Pages A-C;

thence along said north right-of-way line, South seventy-seven degrees forty-five minutes forty-nine seconds East (S77°45'49"E) for fifty-two and 50/100 feet (52.50') to the southwest corner of said Meijer, Inc. 1.230-acre tract;

thence continuing along said north right-of-way line and the south line of said Meijer, Inc. 1.230-acre tract, South seventy-seven degrees forty-five minutes forty-nine seconds East (S77°45'49"E) for fifty-seven and 89/100 feet (57.89') to the TRUE POINT OF BEGINNING of the herein described tract of land;

thence departing said north right-of-way line and said south line and over said Meijer, Inc. 1.230-acre tract, on a new division line, North twelve degrees fourteen minutes eleven seconds East (N12°14'11"E) for one hundred seventy-five and 06/100 feet (175.06') to a point in the north line thereof;

thence along the north line of said Meijer, Inc. 1.230-acre tract for the following three (3) courses:

- 1) South seventy-seven degrees thirty-one minutes forty-eight seconds East (S77°31'48"E) for one hundred twenty-nine and 56/100 feet (129.56') to a point of curvature;
- 2) on a curve to the left with a radius of five hundred thirty-four and 00/100 feet (534.00') for an arc distance of seventy and 78/100 feet (70.78'), [chord bearing South eighty-one degrees nineteen minutes thirty-eight seconds East (S81°19'38"E) for seventy and 73/100 feet (70.73'), delta angle of said curve being seven degrees thirty-five minutes forty-one seconds (7°35'41'')] to a point of tangency;

- 3) South eighty-five degrees seven minutes twenty-nine seconds East (S85°07'29"E) for forty-nine and 87/100 feet (49.87') to the northeast corner thereof;

thence along the east line of said Meijer, Inc. 1.230-acre tract, South twelve degrees fourteen minutes eleven seconds West (S12°14'11"W) for one hundred seventy-six and 37/100 feet (176.37') to a 5/8" iron pin (set) at the southwest corner thereof, said corner being in said north right-of-way line of Tylersville Road;

thence along said north right-of-way line for the following three (3) courses:

- 1) North eighty-one degrees thirty-three minutes twenty-three seconds West (N81°33'23"W) for fifty-nine and 74/100 feet (59.74') to a 5/8" iron pin (set);
- 2) North eighty-five degrees thirty-two minutes forty-four seconds West (N85°32'44"W) for thirty-six and 89/100 feet (36.89') to a 5/8" iron pin (set);
- 3) North seventy-seven degrees forty-five minutes forty-nine seconds West (N77°45'49"W) for one hundred fifty-three and 45/100 feet (153.45') to the TRUE POINT OF BEGINNING. Containing one and 000/1000 (1.000) acre, more or less.

This description was prepared from a field survey performed by Woolpert in February of 1992, with bearings based upon said Dedication Plat for Tylersville Road and Tylers Place Boulevard. The plat of survey of which is filed in Volume 30, Page 171 of the Butler County Engineer's Records.

WOOLPERT
William P. Finke
Ohio Professional Surveyor #7144

PARCEL 3 (West/Sign Parcel)

^{West Chester}
Situate in Section 18, Township 3, Range 2, Township of ~~Chesler~~, County of Butler, State of Ohio, being part of a 1.230 acre tract of land conveyed by Meijer, Inc. to Meijer Realty Company by deed recorded in Deed Volume 5534, Page 535 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Butler County Records Office, unless noted otherwise) and being more particularly bounded and described as follows:

Commencing for reference at a railroad spike (found) at the southwest corner of said Section 18, said corner also being in the centerline of Tylersville Road;

thence along the south line of said Section 18 and the centerline of Tylersville Road for the following three (3) courses:

- 1) South seventy-seven degrees thirty-nine minutes two seconds East (S77°39'02"E) for six hundred twenty-three and 78/100 feet (623.78') to a railroad spike (found);
- 2) - South seventy-seven degrees thirty-eight minutes thirty seconds East (S77°38'30"E) for nine hundred ninety-six and 38/100 feet (996.38');
- 3) South seventy-seven degrees forty-five minutes forty-nine seconds East (S77°45'49"E) for four hundred seventy-nine and 42/100 feet (479.42');

thence departing the south line of said Section 18 and said centerline, North twelve degrees fourteen minutes eleven seconds East (N12°14'11"E) for eighty and 00/100 feet (80.00') to a 5/8" iron pin (set) in the north right-of-way line of Tylersville Road as established in the Tylersville Road and Tylers Place Boulevard Dedication Plat as recorded in Plat Envelope 2053, Pages A-C;

thence along said north right-of-way line, South seventy-seven degrees forty-five minutes forty-nine seconds East (S77°45'49"E) for fifty-two and 50/100 feet (52.50') to the southwest corner of said Meijer, Inc. 1.230 acre tract and the TRUE POINT OF BEGINNING of the herein described tract of land;

thence along the lines of said Meijer, Inc. 1.230 acre tract for the following three (3) courses:

- 1) North twelve degrees fourteen minutes eleven seconds East (N12°14'11"E) for one hundred forty-nine and 70/100 feet (149.70') to a point of curvature;
- 2) on a curve to the right with a radius of twenty-five and 50/100 feet (25.50') for an arc distance of forty and 16/100 feet (40.16'), [chord bearing North fifty-seven degrees twenty-one minutes eleven seconds East (N57°21'11"E) for thirty-six and 14/100 feet (36.14'), delta angle of said curve being ninety degrees fourteen minutes one second (90°14'01") to a point of tangency;
- 3) South seventy-seven degrees thirty-one minutes forty-eight seconds East (S77°31'48"E) for thirty-two and 29/100 feet (32.29');

thence departing said north line and over said Meijer, Inc. 1.230 acre tract, on a new division line, South twelve degrees fourteen minutes eleven seconds West (S12°14'11"W) for one hundred seventy-five and 06/100 feet (175.06') to a point in the south line thereof, said point also being in the north right-of-way line of said Tylersville Road;

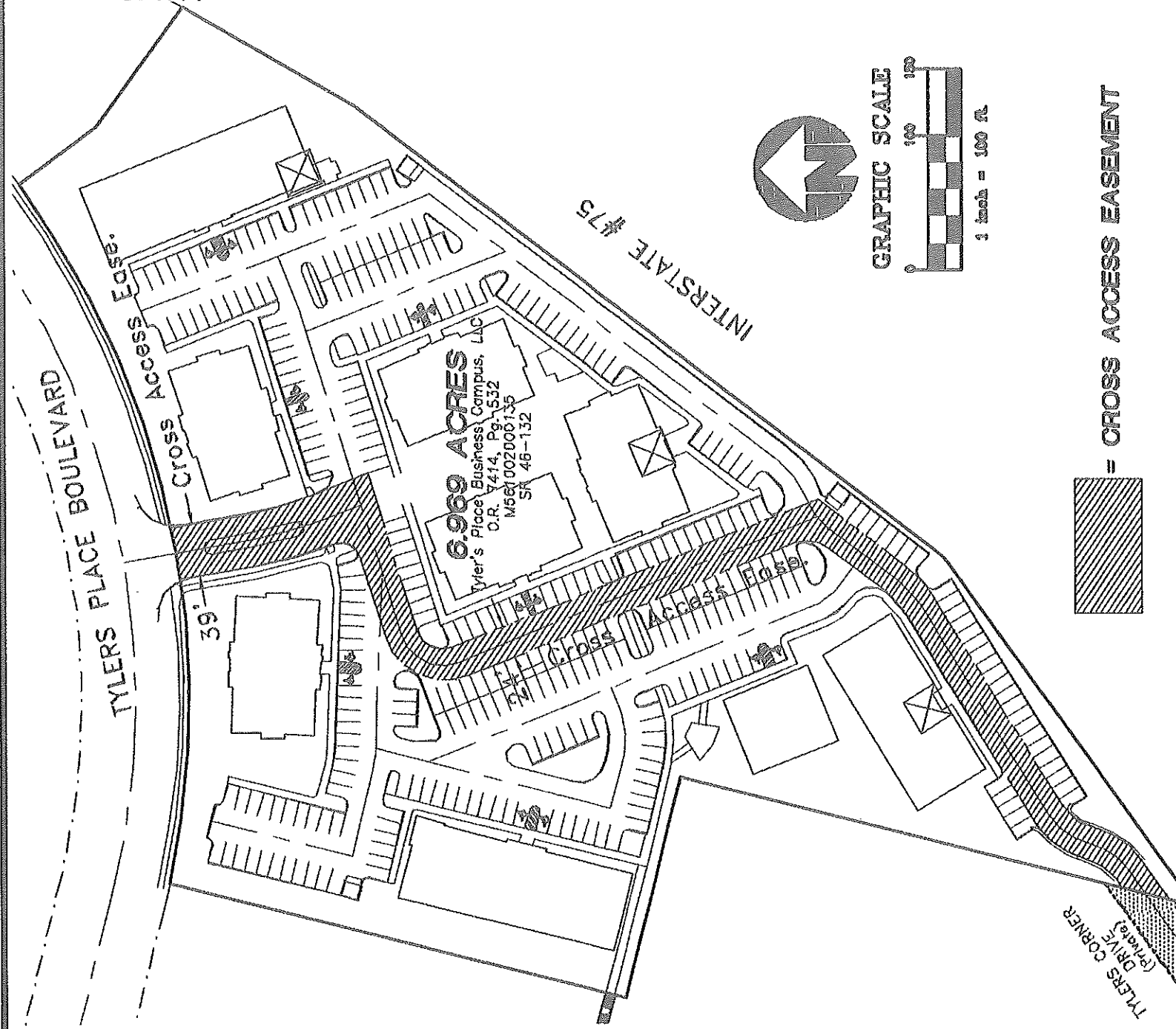
EXHIBIT B continued

thence along said north right-of-way line, North seventy-seven degrees forty-five minutes forty-nine seconds West (N77°45'49"W) for fifty-seven and 89/100 feet (57.89') to the TRUE POINT OF BEGINNING. Containing no and 230/1000 (0.230) acres, more or less.

This description was prepared from a field survey performed by Woolpert in February of 1992, with bearings based upon said Dedication Plat for Tylersville Road and Tylers Place Boulevard. The plat of survey of which is filed in Volume 30, Page 171 of the Butler County Engineer's Records.

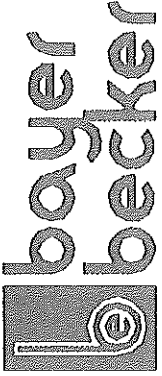
WOOLPERT
William F. Finke
Ohio Professional Surveyor #7144

BK: 7698 PG: 1770



Drawing:	04M001-001 EX 01
Scale:	1" = 100'
Drawn by:	JOL
Checked By:	
Issue Date:	0-22-05

CROSS ACCESS EASEMENT
TYLERS PLACE OFFICE PARK
SECTION 18, TOWN 3, RANGE 2
WEST CHESTER TOWNSHIP
BUTLER COUNTY, OHIO
EASEMENT EXHIBIT



6900 Tylersville Road, Suite A
Mason, OH 45040 • 513.336.6600

DR. 1788 Pg. 65
EX. Access
Easement

CONSENT AND SUBORDINATION OF MORTGAGEE

NATIONAL CITY BANK, a national banking association, and the holder of a certain mortgage (the "Mortgage") to the premises recorded in the Official Records of Butler County, Ohio at Official Record Book 7629, Page 1722, hereby consents to the execution and delivery of the foregoing Declaration of Easement for Ingress and Egress, with exhibits thereto (collectively, the "Declaration"), and to the filing thereof, in the office of the County Recorder of Butler County, Ohio, and further subjects and subordinates (the "Consent and Subordination") the above-described Mortgage to the provisions of the foregoing Declaration; provided however, subject to the terms and provisions of the Declaration, the Consent and Subordination shall not otherwise affect the priority of the Mortgage encumbering the Condominium Property.

National City Bank, by its authorized officer, has caused the execution of this Consent and Subordination of Mortgagee this 22 day of November, 2005.

NATIONAL CITY BANK, a national banking
association

By: Elizabeth Mooney
Name: ELIZABETH A. MOONEY
Its: Asst. Vice President

STATE OF OHIO)
) ss
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this 22 day of November, 2005, by Elizabeth A. Mooney as Asst. Vice President of NATIONAL CITY BANK, a national banking association, on behalf of the association.

Christi Y. Davis
Notary Public

